

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(PD) No.2027 of 2018 and
CMP.No.12037 of 2018

1.K.Natarajan
2.Meivazhi Selvam Gounder ... Petitioners

Vs

1.The Collector,
Vellore District, Vellore-9

2.The Tahsildar,
Vellore Taluk, Vellore

K.Somasekaran(died)

3.S.Venkatesan

4.S.Pazhani

5.Chandira

6.Amudha

7.Selvi

8.K.Guberan

9.D.Manonmani ... Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal order dated 06.11.2017 made in IA.No.800 of 2017 in OS.No.609 of 2006 on the file of the Court of the Principal District Munsif, Vellore.

For Petitioners : M/s.M.Sangeetha

For Respondents

For R1 & 2 : Mr.A.E.Ravichandran,
Government Advocate (CS)

For R3 to 9 : No Appearance

ORDER

This Civil Revision Petition is filed against the fair and decretal order dated 06.11.2017 made in IA.No.800 of 2017 in OS.No.609 of 2006 on the file of the Court of the Principal District Munsif, Vellore, thereby dismissing the petition to implead the eighth respondent herein as proposed defendant in the suit.

2. The petitioners filed suit for declaration declaring their 3/4 share in the suit property in their favour and also seeking partition. While pending the suit, the third plaintiff sold out her share in favour of the eighth respondent herein. Therefore, the petitioners filed petitions to implead the eighth respondent herein as one of the defendant in the suit and also filed another application to transpose the third plaintiff as one of the defendant in the suit. Both the applications were dismissed for the reason that the suit is pending for more than ten years and after period of ten years, the petitions

came to be filed. Aggrieved by the dismissal order of the implead petition alone, the present civil revision petition has been filed by the petitioners.

3. Admittedly, the third plaintiff sold out her share in favour of the eighth respondent herein by the sale deed dated 17.08.2016. It is part of the suit property and as such the eighth respondent is necessary party to the suit.

4. In view of the above, this civil revision petition is allowed and the order dated 06.11.2017 made in IA.No.800 of 2017 in OS.No.609 of 2006 on the file of the Court of the Principal District Munsif, Vellore is set aside. The court below is directed to dispose of the suit within a period of six months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed. No order as to costs.

सत्यमेव जयते

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Index: Yes/No

Internet: Yes/No

Speaking Order: Yes/No

C.R.P.(P.D).No.2027 of 2018

G.K.ILANTHIRAIYAN,J.

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To

The Principal District Munsif,
Vellore



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